

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5302 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

RAJESH M HINDOCHA

Versus

GUJARAT ELECTRICITY BOARD

Appearance:

MR PH PATHAK for Petitioner

MR TUSHAR MEHTA for Respondent No. 1

SERVED for Respondent No. 2

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 16/10/97

ORAL JUDGEMENT

RULE. Mr Tushar Mehta, learned Advocate waives service of Notice for the respondents.

The petitioner was an apprentice with Gujarat Electricity Board (for short 'GEB') during the period from 1985 to 1988. The respondents have prepared list of

the apprentice for employment after completion of the training. It appears that the GEB has prepared the scheme following the law laid down by the Apex Court in the case of U.P. State Transport Corporation vs. Parivahan Nigam, reported in AIR 1995 SC 1115. The grievance of the petitioner is that the claim of the petitioner has been erroneously rejected on the ground that he is over age. He has referred to the case of one B V Jadeja who is junior to the petitioner and in his case the respondent has given age relaxation.

2. Mr F Y Timol, Industrial Relations Officer, Western Zone, Rajkot, GEB has filed affidavit. It is stated that the Board has fixed the age limit for appointment against clear vacancies after completion of apprenticeship period as follows:

(1) In case of appointment as Helpers - 30 years

(2) In case of appointment as
Junior Assistant - 27 years

3. It is further stated that by circular dated 26.2.1990, the Board decided that with a view to utilise the training imparted, the upper age limit be relaxed upto 35 years in case of apprentice Linement (who can be appointed as Helpers on regular basis) and upto 29 years in case of Commercial Trade apprentice (who can be appointed as Junior Assistants) on regular establishment). It is further stated that the petitioner had taken the apprenticeship training as an apprentice Lineman and as such he could not be appointed as Helper. With respect to relaxation of age, it is stated that the said age limit has been relaxed upto 35 years in case of candidates from general category and 40 years in case of reserved category. The petitioner belongs to the General category. He has even crossed the age of 35 years i.e. even the relaxed age, and therefore, he is over age.

4. Mr Tushar Mehta, the learned Advocate appearing for GEB, dealing with the case of Mr Jadeja, submits that earlier there was power with the Chairman and the Board for further relaxation of age, but having received complaints of misuse, the Board took a firm decision that there shall be no relaxation after the relaxed age of 35 years in case of general category and 30 years in case of reserved category. Mr P H Pathak, learned Advocate submits that a reading of the circular dated 26.2.1990 will show that the age limit of 35 years is not that of relaxed age limit, and therefore, relaxation could be given beyond 35 years.

5. I have read the circular. The construction of the circular as placed by Mr Pathak cannot be accepted. So far as the case of Jadeja is concerned, that was done prior to December, 1996, and in view of the latest circular dated 16.1.1997, now the Chairman and the Board has no power to give further relaxation.

6. In view of the aforesaid, there is no merit in this Special Civil Application and the same is accordingly rejected. Rule discharged.

msh